



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

CHRISTOPHER McMENEMY, R.N.
License # 26NR12499300

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Christopher McMenemy ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or May 9, 2014, Respondent entered into a private letter agreement with the Board which required respondent to enroll in the Recovery and Monitoring Program of New Jersey (RAMP), and also required (among other things) that he refrain from the use of any and all potentially addictive substances. The agreement was to have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4. In the event that the Board received reliable information that Respondent had

acted in violation of the RAMP contract and/or the agreement, the agreement was no longer to remain confidential.

3. Also on May 9, 2014, Respondent signed an "Outside of New Jersey RAMP Monitoring Agreement," indicating that RAMP would monitor his participation in PNAP, the Pennsylvania Peer Assistance Program, and Respondent agreed to comply with all monitoring requirements of PNAP.

4. In a communication dated September 5, 2014, RAMP's Director advised the Board that Respondent was noncompliant with his RAMP contract, in that while he was being monitored in Pennsylvania by the PNAP, he had been observed wearing a prosthetic penis to subvert a drug screen on August 25, 2014. On September 3, 2014, PNAP reported that Mr. McMenemy had admitted to this conduct, which he indicated had been suggested to him by his drug dealer.

5. On or about October 30, 2014, a letter issued by overnight and regular mail to Respondent at his address of record, advising Respondent that the Board had received credible information indicating that he was not in compliance with the private letter agreement, and advising him to forward within five days any proof that he was currently in compliance with RAMP.

6. United Parcel Service tracking service indicated that the October 30, 2014 letter had been delivered on October 31, 2014. No response was received.

7. A certification from RAMP's Director dated January 12, 2015 indicated that Mr. McMenemy had admitted to relapsing on methamphetamines beginning on August 22, 2014 and continuing until August 28, 2014. This conduct constitutes a violation of the private letter agreement signed by Respondent.

CONCLUSIONS OF LAW

Respondent's violation of the private letter agreement constitutes a violation of a Board order within the intendment of N.J.A.C. 13:45C-1.4, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Respondent's use of a prosthetic penis and his attempt to deceive PNAP in the urine screening process constitutes dishonest conduct in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a reprimand and minimum suspension of two years was entered on January 30, 2015. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline with two submissions. Respondent admitted that he had relapsed to methamphetamine use in the summer of 2014 and got caught using a fake penis device to subvert a drug screen in late August 2014. Respondent states that he then entered an intensive outpatient therapy program and has remained clean and sober in the ensuing months. Respondent requests that the Board not suspend his license because he is concerned that the Pennsylvania Board of Nursing make take a reciprocal action against his Pennsylvania license to

practice nursing. Respondent currently works as a Critical Care Nurse Practitioner in Pennsylvania and maintains that he has not worked in New Jersey in the last eighteen months. Respondent would like to have an active license to practice nursing so that he may work towards professional growth and career advancement.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as Respondent did not dispute the findings of fact or conclusions of law. Respondent admittedly is presently engaged in drug use that is likely to impair his ability to practice nursing with reasonable skill and safety pursuant to N.J.S.A. 45:1-21(l). For purposes of that subsection, presently means at this time or any time within the previous 365 days and Respondent admitted to a relapse of methamphetamine use nine months ago. Respondent admittedly violated the private letter agreement, which is considered violation of a Board order and subjects Respondent to discipline. Lastly, Respondent admittedly engaged in the use or employment of dishonesty and deception by using a fake penis device to subvert a drug screen.

The Board is cognizant that Respondent's actions were the result of his addiction, which is a disease. At first instance, the Board offered Respondent an opportunity to address his impairment privately, with a private letter agreement, and allowed Respondent to work with either the New Jersey or Pennsylvania intervention programs, or both. Respondent failed at those attempts. For Respondent's second instance, however, the Board has determined that discipline is warranted. Respondent's actions and deceptive practices have shocked this Board and the Board

has determined that a reprimand and a minimum of two year suspension is fitting. This Board is not convinced that Respondent is fit and competent to practice in New Jersey. Respondent needs to work on maintaining his sobriety for an extended period and addressing his impairment. Respondent also needs to be deterred from engaging in similar practices in case he ever relapses in the future.

ACCORDINGLY, IT IS on this 2nd **day of** June **, 2015,**

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended for a minimum of two years. No application for reinstatement will be entertained until he can demonstrate that he is in compliance with or released from PNAP, and until RAMP indicates that he is fit and competent to practice nursing and supports his reinstatement.
2. A public reprimand is hereby imposed for the violation of N.J.S.A. 45:1-21(b).

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President